

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

AUG 9 2006

Case No.	5564
Date Filed	8/2/06
Hearing Date	
Receipt	
Fee	\$ 650

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation <input checked="" type="checkbox"/> Special Exception <input type="checkbox"/> Use Variance <input type="checkbox"/> Change/Extension of Non-Conforming Use <input checked="" type="checkbox"/> Minor Area Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Variance from Requirements of the Code <input type="checkbox"/> Zoning Map/Drafting Correction	CASE 5564 MAP 56 TYPE Special Exception/Variance ELECTION DISTRICT 01 LOCATION 109, 11, 113, 201 & 203 Plumtree Road, Bel Air 21015 BY Plumtree Orthopaedic Associates, LLC, 8322 Bellona Avenue, Suite 100, Towson 21204 Appealed because a special exception pursuant to Section 267-53H(9)(b) of the Harford County Code to allow a medical clinic and a variance pursuant to Section 267-36.1B Table VIIA to allow a height of 39' (35' allowed) for Retail Trade Services in the RO District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name	Plumtree Orthopaedic Associates, LLC		Phone Number	Call Attorney	
Address	8322 Bellona Avenue, Suite 100, Towson, Maryland 21204				
	Street Number	Street	City	State	Zip Code
Co-Applicant	N/A		Phone Number		
Address					
	Street Number	Street	City	State	Zip Code
Contract Purchaser	N/A		Phone Number		
Address					
	Street Number	Street	City	State	Zip Code
Attorney/Representative	Robert S. Lynch, Esquire		Phone Number	(410) 879-2222	
Address	Stark and Keenan, P.A., 30 Office Street, Bel Air, Maryland 21014				
	Street Number	Street	City	State	Zip Code

Land Description

Address and Location of Property 109, 111, 113, 201 & 203 Plumtree Road, Bel Air, Maryland 21015

Subdivision N/A

Lot Number N/A

Acreage/Lot Size 2.379

Election District First

Zoning RO

Tax Map No. 56

Grid No. _____

Parcel 431, 170, 335,
168 & 169

Water/Sewer: Private ☐

Public ☒

List ALL structures on property and current use: vacant.

Estimated time required to present case: 1 1/2 hours

If this Appeal is in reference to a Building Permit, state number No.

Would approval of this petition violate the covenants and restrictions for your property? No.

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☒ No ☐

Request

See attached.

Justification

See Attached.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

ATTACHMENT TO HARFORD COUNTY
BOARD OF APPEALS
APPLICATION

Plumtree Orthopaedic Associates, LLC
109, 111, 113, 201 & 203 Plumtree Road, Bel Air, Maryland

Request:

A special exception pursuant to Section 267-53H(9)(b) of the Harford County Code to allow a medical clinic in the RO District; a Special Development of a Service Use in the RO District pursuant to Section 267-47.1 of the Harford County Code and an area variance pursuant to Section 267-11 from 267-36.1, Table VII(A) Design Requirements for Specific Use (RO) Residential Office District from the maximum height requirement of thirty-five feet (35') for Retail Trade Services. The variance request is for four feet (4') to allow a maximum building height of thirty-nine feet (39') in the RO zone.

Justification:

The Applicant seeks approval to construct a thirty-four thousand five hundred square feet (34,500 sq. ft.) medical office building in the RO District. The property has direct frontage on Plumtree Road and is located east of the intersection of Maryland Route 24. The structure will be designed and built in a manner which is compatible with the residential office standards. The Applicant seeks to consolidate five (5) separate parcels into one (1) larger parcel consisting of 2.379 acres. The design as proposed will provide one hundred thirty-eight (138) parking spaces and the use of the property for a medical clinic will not have a detrimental impact on the neighborhood. In order to construct the building as proposed, it is necessary to request a variance from the maximum height requirement of thirty-five feet (35') in the RO District. The Applicant seeks a four foot (4') variance which would allow for a maximum building height of thirty-nine feet (39'). By reason of the uniqueness of the property and topographical conditions, the literal enforcement of the height limitation will result in practical difficulties and unreasonable hardship to the Applicant. Furthermore, the granting of a variance from the thirty-five feet (35') height requirement will not be substantially detrimental to adjacent properties nor will it materially impair the purpose of the zoning code or the public interest.

SUGAR STREET

P 439
PARK CENTRE/PLUMTREE LLC
DEED: 4970/267
ZONED: RO

P 50
PARK CENTRE/PLUMTREE LLC
DEED: 4970/267
ZONED: RO

P 387
PARK CENTRE/PLUMTREE LLC
DEED: 4970/267
ZONED: RO

P 400
PARK CENTRE/PLUMTREE LLC
DEED: 4970/267
ZONED: RO

P 51
HARFORD COUNTY
DEED: 1980/29
ZONED: RO

ROAD

JM TREE

PROPOSED 30' ROW DEDICATION

215' PAVEMENT WIDENING

PROPOSED 5' SIDEWALK

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DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 27, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5564

APPLICANT/OWNER: Plumtree Orthopaedic Associates, LLC
8322 Bellona Avenue, Suite 100, Towson, Maryland 21204

REPRESENTATIVE: Robert S. Lynch, Esquire
Stark and Keenan, P.A.,
30 Office Street, Bel Air, Maryland 21014

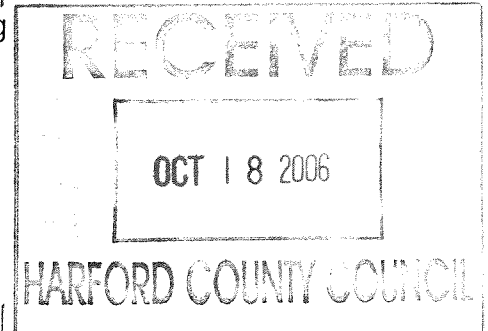
LOCATION: 109, 111, 113, 201, and 203 Plumtree Road
Tax Map: 56 / Grid: 2C / Parcels: 168, 169, 335, 176 and 431
Election District: Third (3)

ACREAGE: 2.379 acres

ZONING: RO/Residential Office

DATE FILED: August 2, 2006

HEARING DATE: October 23, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting approval of a special exception pursuant to Section 267-53H (9)(b) of the Harford County Code to allow a medical clinic in the RO/Residential Office district. The Applicants are also requesting a variance pursuant to Section 267-36, 1B, Table VIIA to allow the proposed building to exceed the maximum height requirement of 35-feet in the RO/Residential Office district. The Applicants propose a maximum height of 39-feet for the office building.

Preserving Harford's past; promoting Harford's future

STAFF REPORT

Board of Appeals Case Number 5564

Plumtree Orthopaedic Associates, LLC

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Section 267-53H(9)(b) of the Harford County Code reads:

(9) *Health services and medical clinics.*

(b) *These uses may be granted in the RO District, provided that:*

[1] *The structure shall be of a size, scale and façade compatible with the surrounding residential neighborhood.*

[2] *All parking shall be accommodated on the site in a manner compatible with the surrounding roads and uses, and a landscaped buffer yard ten feet wide shall be provided between the parking area and any adjacent residential lot.*

Enclosed with the report is a copy of Section 267-36 1B, Table VIIA of the Harford County Code (Attachment 2).

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 3).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located south of Bel Air, on the south side of Plumtree Road and is approximately 150-feet east of MD Route 24. The main access to the site is approximately 300-feet east of MD Route 24 and will be located across from the proposed entrance to the Park Center; a similar project approved under Board of Appeals Case No. 5333. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 4 and 5).

This area of the County is located within the Development Envelope. Land use designations include Low, Medium and High Intensities. The subject property is designated as High Intensity and is near the Community Center, which are defined by the 2004 Master Plan as:

High Intensity - *Areas within the Development Envelope where residential development occurs at a density greater than 7.0 dwelling units per acre. Major retail commercial centers and highway-related businesses, such as automobile dealerships and home improvement centers, are examples of some of the most intensive uses associated with this designation.*

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Plumtree Orthopaedic Associates, LLC
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Community Centers – Areas combining civic, social, and cultural facilities with more intensive commercial and service oriented activities. These centers are usually located along major highways.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7)

Land Use – Existing:

The existing land uses in the area are consistent with the intent of the Master Plan. Residential uses include single-family dwellings, townhouses, garden apartments and condominiums. Commercial uses range from individual retail uses to an integrated community shopping center. There are also a variety of motor vehicle service, mini warehouses, personal and professional services and institutional uses such as churches and schools, day care facilities, nursing homes and assisted living facilities.

The topography of the area ranges from rolling to steep, especially near stream valleys. The subject property sits several feet above Plumtree Road. Enclosed with the report are copies of the topography map and an aerial photograph of the area (Attachments 8 and 9).

The subject property is located on the south side of Plumtree Road and the east side of the MD Route 24 right-of-way. The MD Route 24 right-of-way and the subject property are separated by a parcel of land zoned RO that is owned by the State Highway Administration (SHA). This proposal will require the consolidation of 5 parcels that total 2.379 acres. These properties were previously improved with single-family dwellings that have all been razed since 2000.

Enclosed with the report are copies of site photographs along with an enlargement of the aerial photograph (Attachments 10 and 11).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan. Residential zoning includes R1 through R4/Urban Residential Districts. Commercial zoning includes RO/Residential Office, B1 Neighborhood Business, B2/Commercial Business, B3/General Business and CI/Commercial Industrial Districts. The subject property is zoned RO/Residential Office as indicated in yellow on the enclosed copy of the zoning map (Attachment 12).

As previously stated, this proposal is located across Plumtree Road from a similar proposal for medical offices known as Park Centre. A special exception was granted in 2003 under Board of Appeals Case No. 5333. The Applicants in that case also requested and received a variance to the maximum height requirement of 35-feet in the RO/Residential Office District. In that case, the Board approved a height of 49-feet with an average of 44-feet above grade.

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Plumtree Orthopaedic Associates, LLC
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SUMMARY:

The Applicants are requesting approval of a special exception pursuant to Section 267-53H (9)(b) of the Harford County Code to allow a medical clinic in the RO/Residential Office district. The Applicants are also requesting a variance pursuant to Section 267-36, 1B, Table VIIA to allow the proposed building to exceed the maximum height requirement of 35-feet in the RO/Residential Office district. The Applicants propose a maximum height of 39-feet for the office building.

267-11:

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

Variance pursuant to Section 267-36.1B, Table VIIA:

The Code requires a maximum building height of 35-feet. The proposed building, due to its design and ground elevations will be 39-feet at its highest point. The architectural design of the building should complement the overall community. The proposal should not have any adverse impact on the community. The Department finds that the subject property is unique based on its shape and topography.

Section 267-53H(9)(b) of the Harford County Code:

(b) These uses may be granted in the RO/Residential Office District, provided that:

[1] The structure shall be of a size, scale and façade compatible with the surrounding residential neighborhood.

This particular neighborhood has changed considerably since the construction of MD. Route 24. This area is near a community center with its focal point located to the south. The area contains individual retail uses, shopping centers, institutional uses that include churches, assisted living facilities, schools, warehousing, personal and professional uses that include medical services, motor vehicle related uses, restaurants and a variety of housing types. The architecture of the buildings range from one to three stories and vary in style and facade and overall height.

The proposed building is similar to and compatible with other structures in the general area. The rendering provided by the Applicant (Attachment 13) proposes the construction of a brick and steel, flat roofed three story building.

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Board of Appeals Case Number 5564

Plumtree Orthopaedic Associates, LLC

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- [2] *All parking shall be accommodated on the site in a manner compatible with the surrounding roads and uses, and a landscaped buffer yard ten feet wide shall be provided between the parking area and any adjacent residential lot.*

The subject property fronts on Plumtree Road, which is a County road. MD Route 24 is located approximately 150-feet to the west of the subject property and is designated as a Freeway/Expressway. Emmorton Road (MD Route 924) is located to the east and is designated as a Minor Urban Arterial and Urban Collector. Both ends of Plumtree Road are now signalized intersections.

The property is a long narrow parcel created by the consolidation of several individual lots which at one time contained residential uses. The Applicants are providing more than the minimum required parking spaces on site. The plan also shows the required buffer yard. A landscape plan must be submitted to the Department of Planning and Zoning for approval.

Section 267-91:

- (1) *The number of persons living or working in the immediate area.*

The subject property is located within the Development Envelope. The area contains a variety of housing types with uses ranging from Low to High Intensity. Commercial uses include individual retail, shopping centers, motor vehicle uses, restaurants, and personal and professional services. The major roads in the area are Emmorton Road (MD Route 924) and MD. Route 24. The requested use will provide a necessary service to residents living in the area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The subject property fronts on Plumtree Road, which is County road. MD Route 24 is located approximately 150-feet to the west of the subject property and is designated as a Freeway/Expressway. Emmorton Road (MD Route 924) is located to the east and is designated as a Minor Urban Arterial and Urban Collector. Both ends of Plumtree Road are now signalized intersections.

A traffic study has been reviewed thru the County. The traffic study shows that the proposal will not adversely impact traffic in the area. A queuing analysis was completed for the intersection of MD 24 and Plumtree Road. The extension of the westbound right turn lane and westbound shared thru/left turn lane will be required (Attachment 14).

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

STAFF REPORT

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Plumtree Orthopaedic Associates, LLC

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The proposed uses (health service/medical clinic) offer a necessary service to the community.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed special exception for the medical service use in the RO District as well as the variance for the height of the structure should have little or no adverse impact on the surrounding community. With the residential growth within the development corridor along with the assisted living facilities constructed nearby on Emmorton Road, and the existing facilities to the north at the intersection of Ring Factory Road and Route 24, the proposed uses should complement the growth and needs of the immediate community and the County as a whole.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The local Sheriff's Office and the Maryland State Police will provide police protection. The Abingdon and Bel Air Volunteer Fire Departments will provide fire protection and emergency services to the site. Public water and sewer will service the site. A company of the Applicant's choice would handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposed special exception is consistent with generally accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal is compatible with the above uses.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal conforms to the intent of the 2004 Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

There are no sensitive natural features on this site.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

STAFF REPORT

Board of Appeals Case Number 5564

Plumtree Orthopaedic Associates, LLC

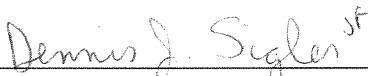
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The Town of Bel air provided comments in a letter dated August 10, 2005 (Attachment 15).

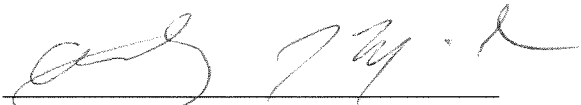
RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested special exception for a medical clinic in the RO/Residential District and the variance from the required height restrictions be approved subject to the following conditions:

1. The Applicant shall submit detailed site plans in general conformance with the site plan approved by the Board for review and approval through the Development Advisory Committee (DAC).
2. The existing parcels shall be combined into one lot.
3. The Applicant shall obtain all necessary permits and inspections for the construction of the building and the development of the site.
4. The Applicant shall submit a detailed landscape and lighting plan to the Department of Planning and Zoning for review and approval prior to the issuance of building permits.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

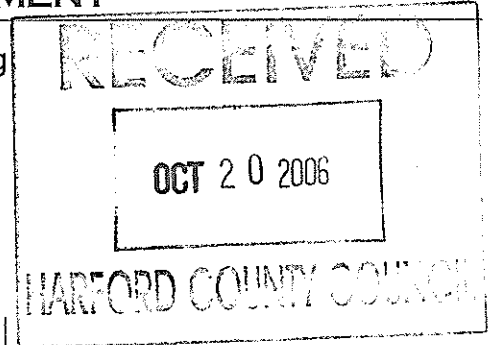
HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

October 20, 2006

Addendum to Staff Report 5564

Request: The Applicant is also requesting approval of a Special Development for Service Use in the RO/Residential District pursuant to Section 267-47.1 of the Harford County Code.



Section 267-47.1 Retail/Service/Office uses in the RO District. [Added by Bill No. 04-51]

Section 267-47.1.

- A. *Purpose. To provide opportunities for conversion of existing residential structures or the development of new structures for retail, service and office uses in predominantly residential areas. The purposed use of these development standards are to ensure that the structures and uses developed are compatible and in harmony with the neighboring residential communities.*
- B. *Development standards.*
- (1) *Design. An architectural rendering of the building facade and elevation of the structure shall be submitted to the Board. The rendering shall demonstrate how the project meets the following standards and objectives:*

The Applicant has submitted an Architectural rendering of the proposed building (Attachment 13). The building as proposed is to be a three story brick structure. The building is to be located to the western side of the parcel and the parking to the front of the structure and to the east side of the property.

- (a) *Redevelopment of existing residential structures. Redevelopment of existing residential structures shall be permitted provided that any physical modification is compatible and in harmony with the neighboring residential communities relative to architectural design, scale, building height and materials used in construction.*

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MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

The Applicant is proposing a new building.

- (b) *Development of new buildings. New buildings developed for retail, service and office uses shall be designed to be compatible and in harmony with the neighboring residential communities relative to architectural design, scale building height and the materials used in construction. Elements to be considered in determining compatibility with neighboring residential communities shall include massing and building materials as well as cornice lines, window lines, roof pitch and entry.*

The proposed building is similar to and compatible with other structures in the area. At the present time there are no adjacent residential uses.

- (c) *Design requirements. See Design Table VIIA.*

The proposal is in conformance with the design standards pursuant to Section 267-36.1B, Table VIIA of the Harford County Code. The Applicant has requested a variance pursuant to the height of the structure. The Code requires a maximum height of 35-feet and the proposed building will be 39-feet. They have justified their request based on topographic conditions and configuration of the site.

- (2) *Maximum building coverage. The maximum building coverage shall be 40% of the lot, and the maximum impervious surface shall be 65% of the lot.*

The building coverage proposed is 11,500 square feet which is only 11.1 percent of the site.

The impervious surface proposed is approximately 58,013 square feet of the site which is approximately 56% of the site.

- (3) *Use limitations. The uses permitted under this section shall comply with the following:*

- (a) *Enclosed building. All uses permitted shall be conducted within an enclosed building, except parking, loading, unloading or as otherwise permitted.*

All uses except parking and loading will be conducted within the building.

- (b) *Storage restriction. The outside storage of material or equipment shall not be permitted.*

No outside storage is proposed.

- (c) *Screening requirements. Parking, loading, unloading or other outdoor activity shall be screened from adjacent residential lots. Screening shall consist of landscaping, walls or solid fencing at least 6 feet high which shall be continuous to prevent visibility of the area.*

The Applicants will be required to submit a detailed landscaping plan to the Department for review and approval.

- (d) *Hours of operation. Uses shall only be permitted to operate between the hours of 6:00 a.m. and 10:00 p.m., inclusive.*

The Applicants must comply with this requirement.

- (4) *Landscaping. The landscaping shall, to the extent possible, preserve unique features and mature vegetation, especially large trees. Lawn and landscaped areas shall be maintained to preserve the residential character of the area. Landscaped buffer yards shall be planted in harmony with adjoining residences and in accordance with Section 267-28 of this chapter. A landscaping plan shall be submitted to the Board for review and approval.*

Most of the trees on the property are second growth trees and under brush that will be cleared to develop the project. However, as stated earlier in this report the Applicants will be required to provide a detailed landscaping plan for the buffer areas as well as the parking lot. The Applicant must present a conceptual landscaping plan to the Hearing Examiner.

- (5) *Outside lighting. Outside lighting shall be so shaded, shielded, directed or maintained so that the lighting does not cause a glare or reflection on adjacent residential lots.*

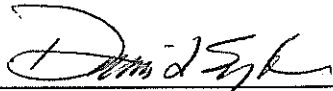
All outside lighting shall be designed to reflect onto the subject site. The final landscaping plan shall include a lighting plan.

- (6) *Ingress and egress. Any ingress or egress to the site shall be designed to provide the safest means of traffic flow.*

The site plan presented shows one entrance that is located to the western end of the property. The proposed location appears to be the most appropriate area for the entrance.

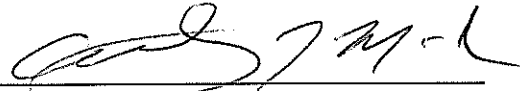
The requirements pursuant to Section 267-9I have already been addressed in the report.

STAFF REPORT (Addendum)
Board of Appeals Case Number 5564
Plumtree Orthopaedic Associates, LLC
Page 4 of 4



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning